HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No.2367 OF 2006

PETITIONER

Dev Kunwar
W/o Pardesi
Aged About 70 years
R/o Village Lingiadih
Tahsil & District Bilaspur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh
Through Secretary
Department of Revenue
Mantralaya, D.K.S. Building
Raipur (C.G.)
2. Collector, Collectorate
Bilaspur
District Bilaspur (C.G.)
3. Tahsildar, Bilaspur
District Bilaspur (C.G.)
4. Municipal Corporation Bilaspur
Through The Commissioner,
Municipal Corporation Bilaspur
(C.G.)

Present : Shri Upendra Bharat, Shri R.D. Rai, Shri Sanjay K. Agrawal & Shri Rajeev Bharat, learned counsel for the petitioner.

Shri Utkarsh Verma, learned Dy. Govt. Adv. for the State.

ORAL ORDER
(Passed on 5th May, 2006)

The grievance of the petitioner is that the petitioner is in actual possession and enjoyment of the petition schedule property and the Authorities of the Municipal Corporation, Bilaspur, the fourth respondent herein, without reason or rhyme and without any semblance of legal right over the petition schedule land have issued the impugned notice stating that the petitioner has encroached the petition schedule land and put up construction unauthorisedly and calling upon her to remove the construction within seven days and if she complies with the demand, they

would provide alternative land elsewhere. If the version of the petitioner is correct, the petitioner can have effective and comprehensive legal remedy by way of a suit before the jurisdictional Civil Court. The petitioner can avail of private law review remedies like declaration and/or injunction. The dispute brought before the Court relates to title of the petition schedule property. Whether it is the property of the petitioner as claimed by her or it is the property of the Government or Municipal Corporation, that question cannot be decided in a summary proceeding under Article 226 of the Constitution. In that view of the matter, I decline to entertain the writ petition. The writ petition is accordingly dismissed, however, reserving liberty to the petitioner to workout legal remedies before the jurisdictional Civil Court. No costs.

Sd/-
Chief Justice

Subbu